

APPENDIX A

Arizona Rules of Criminal Procedure

(deletions shown with strikethrough, new language is underlined)

Rule 6.3. Duties of Counsel; Withdrawal

(a) Notice of Appearance.

(1) *Generally.* Before representing the defendant in court, counsel--whether privately retained or appointed by the court--must file a notice of appearance.

(2) *Earlier Appearance in a Limited Jurisdiction Court.* Counsel who has filed a notice of appearance in a felony case in a limited jurisdiction court does not need to file a new notice of appearance if the defendant is bound over to superior court.

(b) Duty of Continuing Representation. Unless the court permits counsel to withdraw, counsel who represents a defendant at any stage of a case has a continuing duty to represent the defendant in all further proceedings in the trial court, including the filing of a notice of appeal or the filing of a notice of post-conviction relief.

(c) Withdrawal.

(1) *If the Defendant Is Ineligible for Appointed Counsel.* Appointed counsel may not withdraw after arraignment on the ground that the defendant is ineligible for appointed counsel unless counsel shows that withdrawal will not disrupt the orderly processing of the case.

(2) *If the Case Is Set for Trial.* After a case is set for trial, the court may not permit counsel to withdraw unless counsel files a motion that provides:

(A) the name and address of new counsel and a signed statement from the new counsel that acknowledges the trial date and avows that the new counsel will be prepared for trial; or

(B) ethical grounds for withdrawing.

(3) *If the Case has Resulted in a Judgment.* The court must not grant a motion to withdraw unless the motion reflects that either:

(i) counsel has advised the defendant of their rights and the defendant has not directed counsel to file a notice of appeal or, if applicable, a notice of post-conviction relief, or

(ii) such a notice has already been filed.

(d) Duty of Defense Counsel to Preserve the File. Defense counsel must:

(1) maintain records of the case in a manner that will inform successor counsel of all significant developments relevant to the case; and

(2) make available to successor counsel the client's complete records and files, as well as all information regarding every aspect of the representation.

(e) Duty of Successor Counsel to Collect the File in a Capital Case. Immediately upon undertaking representation of a defendant in a capital case in which the

defendant was previously represented by counsel, defense counsel must collect the complete file from prior counsel and maintain the records and files in a manner that complies with (d).

(v) Victims' Rights.

(1) *Court Consideration of the Victim's Rights Under (c).* If a motion to withdraw under (c) could result in a continuance of the trial date, the court in deciding the motion must consider the victim's right to a speedy disposition.

(2) *Appearance and Withdrawal of the Victim's Attorney.* Before representing a victim in a criminal proceeding, a victim's attorney must file a notice of appearance. Unless the court orders otherwise, a victim's attorney may file a notice of withdrawal at any time.

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